

To: Herrera, Angeles[Herrera.Angeles@epa.gov]; Minor, Dustin[Minor.Dustin@epa.gov]
From: Manzanilla, Enrique
Sent: Wed 12/6/2017 5:35:40 PM
Subject: FW: Anaconda Deferral Agreement

Join us for the NDEP meeting.

From: Strauss, Alexis
Sent: Wednesday, December 6, 2017 9:08 AM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: RE: Anaconda Deferral Agreement

Sounds good.

Alexis Strauss

Acting Regional Administrator

E.P.A. Region 9

75 Hawthorne Street

San Francisco, CA 94105

415-972-3572

From: Manzanilla, Enrique
Sent: Wednesday, December 6, 2017 9:04 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: RE: Anaconda Deferral Agreement

No problem. Cyndy (OECA) and OLEM (maybe Jim) will be on a call with me and Kell Kelly at 10 AM.

For the meeting with NDEP later this afternoon, I would suggest that Angeles and Dusty join us for at least that particular meeting. I think it's important for continuity and efficiency. They were both heavily involved in the Reno meeting right before Thanksgiving with Greg, Jeff Collins, and Rick Perdomo.

From: Strauss, Alexis

Sent: Wednesday, December 6, 2017 8:28 AM

To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>

Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>; Ball, Harold <Ball.Harold@epa.gov>

Subject: RE: Anaconda Deferral Agreement

Thx. I appreciate your ongoing coordination with OLEM.

Alexis Strauss

Acting Regional Administrator

E.P.A. Region 9

75 Hawthorne Street

San Francisco, CA 94105

415-972-3572

From: Manzanilla, Enrique

Sent: Wednesday, December 6, 2017 8:15 AM

To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>

Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>; Ball, Harold <Ball.Harold@epa.gov>

Subject: FW: Anaconda Deferral Agreement

FYI

From: Mackey, Cyndy
Sent: Wednesday, December 6, 2017 7:51 AM
To: Kelly, Albert <kelly.albert@epa.gov>
Cc: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Woolford, James <Woolford.James@epa.gov>
Subject: Anaconda Deferral Agreement

Kell

I understand that significant progress is being made on the Anaconda deferral agreement and want to be sure that you are aware of OSRE's concerns regarding a few important issues that need to be preserved in this agreement to preserve CERCLA protectiveness/standards under the ARC deferral agreement. To do this, we recommend that EPA not accept the following changes to the Anaconda deferral agreement:

1. We cannot say (page 1) that the NV-ARC AOC is consistent with the deferral guidance, because it is not.
2. TI waiver: must use the CERCLA TI waiver process, not Nevada's more lenient process.
3. Language regarding "significant and valid concerns"... keep it and keep it broad. Don't narrow what significant and valid mean by further defining it.
4. Delete the following last paragraph/sentence since a MOU is not the appropriate vehicle for this type of promise:

Notwithstanding these reservations, unless and until this Deferral Agreement is terminated in accordance with Section VI.A or VI.B, EPA shall not take any administrative or civil action under Section 106 of CERCLA, 42 U.S.C. 9206(a), ordering or requiring performance of any response action at the Site that is in addition to or inconsistent with those being implemented by NDEP under this Deferral Agreement.

Let me know if further information is needed from OSRE on this matter. I am still at the Brownfield Conference but can be available for a conference call with advance notice. Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

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